

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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:
FULL CIRCLE UNITED, LLC, :
Plaintiff, : **CIVIL CASE MANAGEMENT PLAN**
- against - : CV-20-3395 (BMC)
:
BAY TEK ENTERTAINMENT, INC. :
:
Defendant. :
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COGAN, District Judge

After consultation with counsel for the parties, the following Case Management Plan is adopted. This plan is also a scheduling order pursuant to Federal Rules of Civil Procedure 16 and 26(f).

A. The case (is) (is not) to be tried to a jury. [Circle as appropriate].

B. Non-Expert Discovery:

1. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Eastern District of New York. All non-expert discovery is to be completed by June 11, 2021, which date shall not be adjourned except upon a showing of good cause and further order of the Court. Interim deadlines for specific discovery activities may be extended by the parties on consent without application to the Court, provided the parties are certain that they can meet the discovery completion date.

The parties shall list the contemplated discovery activities and anticipated completion dates in Attachment A, annexed hereto.

2. Joinder of additional parties must be accomplished by November 9, 2020*.
 3. Amended pleadings may be filed without leave of the Court until November 9, 2020*.
- C.** For all causes of action seeking monetary damages, each party shall identify and quantify in Attachment B, annexed hereto, each component of damages alleged; or, if not known, specify and indicate by what date Attachment B shall be filed providing such information.
- D.** Motions:
1. Upon the conclusion of non-expert discovery, and no later than the date provided below, the parties may file dispositive motions. The parties shall agree to a schedule and promptly submit same for the Court's approval, providing for no more than three rounds of serving and filing papers: supporting affidavits and briefs, opposing affidavits and briefs, and reply affidavits and briefs.
 2. The last day for filing a letter, pursuant to Rule III.A.2 of the Court's Individual Practices, requesting a premotion conference in order to file dispositive motions shall be June 18, 2021. (Counsel shall insert a date one week after the completion date for non-expert discovery.)
 - a. There shall be no cross-motions. Any motions not made by the agreed date shall, unless the Court orders otherwise, not be considered until after the timely-filed motion is determined.
 - b. Papers served and filed by the parties shall conform to the requirements set out in the Court's Individual Practices.
- E.** Any request for relief from a date provided in this Case Management Plan shall conform to the Court's Individual Practices and include an order, showing consents and disagreements of all counsel, setting out all dates that are likely to be affected by the granting of the relief requested, and proposed modified dates. Unless and until the Court approves the proposed order, the dates provided in this Plan shall be binding.
- F.** Pre-Trial Motions:

* The parties anticipate that Defendant may file counter-claims, and that the parties may need to adjust the deadlines to join parties or otherwise amend the pleadings in response. As with any change in the dates set forth in this Case Management Plan, the parties will seek the Court's leave if a modification is needed.

Applications for adjournments and for discovery or procedural rulings will reflect or contain the positions of all parties, as provided by the Court's Individual Rules, and are not to modify or delay the conduct of discovery or the schedules provided in this Case Management Plan except upon leave of the Court.

SO ORDERED.

Dated: Brooklyn, New York
Sept. 10 2020

U.S.D.J.

ATTACHMENT A

The Parties are to list the discovery activities (i.e., production of documents, number of depositions, requests to admit, interrogatories) and anticipated completion dates:

DISCOVERY ACTIVITIES	COMPLETION DATE
1. Initial disclosures	By September 28, 2020
2. Parties serve first sets of interrogatories, requests for production, and requests for admission	By October 5, 2020
3. Party depositions	By June 11, 2021
4. Service of Rule 45 subpoenas	By April 12, 2021
5. Parties serve initial expert reports in support of claims or counterclaims	By July 28, 2021
6. Parties serve responsive expert reports in opposition to claims or counterclaims	By September 13, 2021
7. Parties serve rebuttal expert reports in support of claims or counterclaims	By October 4, 2021
8. Expert depositions complete	By November 12, 2021
9.	
10.	

ATTACHMENT B

For all causes of action seeking monetary damages, each party shall identify and quantify each component of damages alleged:

1. PLAINTIFF'S CLAIMS:

Plaintiff Full Circle United, LLC, seeks damages reflecting:

1. The benefit of its bargain under the License Agreement, including its lost profits resulting from Bay Tek's conduct;
2. The benefit of its bargain under the revenue share agreement, including its lost profits resulting from Bay Tek's conduct;
3. The benefit of its prospective business relationship that was lost as a result of Bay Tek's conduct;
4. Consequential damages;
5. Punitive damages.

Full Circle United, LLC, reserves the right to seek other damages allowed for and provable under the law, as well as attorney's fees and costs. Full Circle United, LLC, expects to be able to quantify each component of its damages by the deadline to serve its expert report(s).

2. COUNTERCLAIMS AND CROSS-CLAIMS:

Bay Tek Entertainment, Inc. ("Bay Tek") has not yet responded to the Complaint; Bay Tek's deadline to do so is not until September 21, 2020. Bay Tek anticipates filing Counterclaims against Full Circle, including for breach of contract and trademark infringement. Bay Tek anticipates that its prayer for relief will include a request for damages, injunctive relief, as well as attorneys' fees and costs. Bay Tek is prepared to file a revised statement of its damages by September 28, 2020.

3. THIRD-PARTY CLAIMS: